

## § 90.547

care must be taken by applicants to ensure that all the appropriate TV/DTV stations are considered (e.g., a base station may be operating on TV Channel 64 and the mobiles on TV Channel 69, in which case TV Channels 63, 64, 65, 68, and 69 must be protected). Control and mobile stations shall keep a minimum distance of 96.5 kilometers (60 miles) from all adjacent channel TV/DTV stations. Since mobiles and portables are able to move and communicate with each other, licensees or coordinators must determine the areas where the mobiles can and cannot roam in order to protect the TV/DTV stations, and advise the mobile operators of these areas and their restrictions.

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### § 90.547 Interoperability channel capability requirement.

Mobile and portable transmitters designed pursuant to standards adopted by the National Coordination Committee to operate in the 764-776 MHz and 794-806 MHz frequency bands must be capable of operating on any of the designated nationwide narrowband interoperability channels approved by the Commission.

### § 90.549 Transmitter certification.

Transmitters operated in the 764-776 MHz and 794-806 MHz frequency bands must be certificated as required by § 90.203.

### § 90.551 Construction requirements.

Each station authorized under this subpart to operate in the 764-776 MHz and 794-806 MHz frequency bands must be constructed and placed into operation within 12 months from the date of grant of the authorization. However, licensees may request a longer construction period, up to but not exceeding 5 years, pursuant to § 90.155(b).

## Subpart S—Regulations Governing Licensing and Use of Frequencies in the 806-824, 851-869, 896-901, and 935-940 MHz Bands

### § 90.601 Scope.

This subpart sets out the regulations governing the licensing and operations of all systems operating in the 806-824/851-869 MHz and 896-901/935-940 MHz bands. It includes eligibility require-

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ments, and operational and technical standards for stations licensed in these bands. It also supplements the rules regarding application procedures contained in part 1, subpart F of this chapter. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

[63 FR 68967, Dec. 14, 1998]

### APPLICATION FOR AUTHORIZATIONS

### § 90.603 Eligibility.

The following persons are eligible for licensing in the 806-824 MHz, 851-869 MHz, 896-901 MHz, and 935-940 MHz Bands.

(a) Any person eligible for licensing under subparts B, C, D, or E of this part.

(b) Any person proposing to provide communications service to any person eligible for licensing under subparts B or C of this part on a not-for-profit, cost-shared basis.

(c) Any person eligible under this part and proposing to provide on a commercial basis base station ancillary facilities as a Specialized Mobile Radio Service System operator, for the use of individuals, federal government agencies and persons eligible for licensing under subparts B or C of this part.

[47 FR 41032, Sept. 16, 1982, as amended at 53 FR 1025, Jan. 15, 1988; 60 FR 15495, Mar. 24, 1995; 62 FR 18934, Apr. 17, 1997]

### § 90.605 Forms to be used.

Applications for conventional and trunked radio facilities must be prepared on FCC Form 601 and must be submitted or filed in accordance with § 90.127 and part 1, subpart F of this chapter.

[63 FR 68967, Dec. 14, 1998]

### § 90.607 Supplemental information to be furnished by applicants for facilities under this subpart.

(a) Where the applicant is a person proposing to provide service to eligibles under this part on a commercial basis, the applicant must supply:

(1) A statement of the planned mode of operation.

(2) A statement certifying that no person not eligible to use the proposed facility for the purposes for which it is to be authorized will be offered or provided service through the licensee's base station facility.

(b) Except for applicants for SMR licenses, all applicants for conventional radio systems must:

(1) List all radio systems licensed to them or proposed by them within 64 km (40 mi.) from the location of the base station transmitter site of the facility for which they have applied.

(2) Specify the number of mobile units to be placed in operation upon grant of the authorization and the number of such units that will be placed in operation within 8 months of the date of grant.

(c) Except for applicants for SMR licenses, all applicants for trunked systems must:

(1) List all radio systems licensed to them within 64 km (40 mi.) from the location of the base station transmitter site of the facility for which they have applied;

(2) Specify the number of vehicular and portable mobile units and control stations to be placed in operation within the term of the license.

(d) [Reserved]

(e) Except for applicants requesting frequencies in the SMRS category listed in §§ 90.617(d) and 90.619, all applicants for frequencies governed by this subpart must comply with the frequency coordination requirements of § 90.175(b).

[47 FR 41032, Sept. 16, 1982, as amended at 49 FR 36377, Sept. 17, 1984; 51 FR 14999, Apr. 22, 1986; 59 FR 59966, Nov. 21, 1994; 63 FR 68967, Dec. 14, 1998]

**§ 90.609 Special limitations on amendment of applications for assignment or transfer of authorizations for radio systems above 800 MHz.**

(a) [Reserved]

(b) A license to operate a conventional or trunked radio system may not be assigned or transferred prior to the completion of construction of the facility. However, the Commission may give its consent to the assignment or transfer of control of such a license

prior to the completion of construction where:

(1) The assignment or transfer does not involve a substantial change in ownership or control of the authorized radio facilities; or,

(2) The assignment or transfer is involuntary due to the licensee's insolvency, bankruptcy, incapacity, or death.

(c) Licensees of constructed systems in any category other than Spectrum Block D frequencies in the 800 MHz SMR service (formerly General Category) are permitted to make partial assignments of an authorized grant to an applicant proposing to create a new system or to an existing licensee that has loaded its system to 70 mobiles per channel and is expanding that system. An applicant authorized to expand an existing system or to create a new system with frequencies from any category other than Spectrum Block D frequencies in the 800 MHz SMR service obtained through partial assignment will receive the assignor's existing license expiration date and loading deadline for the frequencies that are assigned. A licensee that makes a partial assignment of a station's frequencies will not be authorized to obtain additional frequencies for that station for a period of one year from the date of the partial assignment.

(d) A constructed system originally licensed in the General Category that is authorized to operate in the conventional mode may be combined with an existing SMR system above 800 MHz authorized to operate in the trunked mode by assignment of an authorized grant of the General Category station to the SMR station.

[47 FR 41032, Sep. 16, 1982, as amended at 55 FR 28029, July 9, 1990; 58 FR 44962, Aug. 25, 1993; 61 FR 6155, Feb. 16, 1996; 63 FR 68967, Dec. 14, 1998]

POLICIES GOVERNING THE PROCESSING OF APPLICATIONS AND THE SELECTION AND ASSIGNMENT OF FREQUENCIES FOR USE IN THE 806–824 MHz, 851–869 MHz, 896–901 MHz, AND 935–940 MHz BANDS

**§ 90.613 Frequencies available.**

The following table indicates the channel designations of frequencies